

1-1 By: Dyson, et al. (Senate Sponsor - Schwertner) H.B. No. 1871
1-2 (In the Senate - Received from the House May 7, 2025;
1-3 May 9, 2025, read first time and referred to Committee on Criminal
1-4 Justice; May 23, 2025, reported favorably by the following vote:
1-5 Yeas 6, Nays 1; May 23, 2025, sent to printer.)

1-6	COMMITTEE VOTE			
1-7		Yea	Nay	Absent
1-8	Flores	X		PNV
1-9	Parker	X		
1-10	Hagenbuch	X		
1-11	Hinojosa of Hidalgo		X	
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the punishment for the criminal offense of attempted
1-18 capital murder of a peace officer; increasing a criminal penalty;
1-19 changing eligibility for parole and mandatory supervision.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 15.01, Penal Code, is amended by
1-22 amending Subsection (d) and adding Subsection (e) to read as
1-23 follows:

1-24 (d) Except as provided by Subsection (e), an [An] offense
1-25 under this section is one category lower than the offense
1-26 attempted, and if the offense attempted is a state jail felony, the
1-27 offense is a Class A misdemeanor.

1-28 (e) If the offense attempted is capital murder of a peace
1-29 officer under Section 19.03(a)(1), the offense is a felony of the
1-30 first degree, punishable by imprisonment in the Texas Department of
1-31 Criminal Justice for life or for any term of not more than 99 years
1-32 or less than 25 years.

1-33 SECTION 2. Section 508.145(a), Government Code, is amended
1-34 to read as follows:

1-35 (a) An inmate is not eligible for release on parole if the
1-36 inmate is under sentence of death, serving a sentence of life
1-37 imprisonment without parole, or serving a sentence for any of the
1-38 following offenses under the Penal Code:

1-39 (1) Section 15.01, if the offense is punishable under
1-40 Subsection (e) of that section;

1-41 (2) Section 20A.03, if the offense is based partly or
1-42 wholly on conduct constituting an offense under Section
1-43 20A.02(a)(5), (6), (7), or (8);

1-44 (3) ~~(2)~~ Section 21.02;

1-45 (4) ~~(3)~~ Section 22.021, if the offense is punishable
1-46 under Subsection (f) of that section; or

1-47 (5) ~~(4)~~ Section 51.03 or 51.04.

1-48 SECTION 3. Section 508.145(d)(1), Government Code, is
1-49 amended to read as follows:

1-50 (d)(1) This subsection applies only to an inmate who is
1-51 serving a sentence for:

1-52 (A) an offense described by Article 42A.054(a),
1-53 Code of Criminal Procedure, other than an offense under Section
1-54 19.03, Penal Code, or an offense under Chapter 20A, Penal Code, that
1-55 is described by Subsection (a)(2) ~~(a)(1)~~ or (c-1)(1);

1-56 (B) an offense for which the judgment contains an
1-57 affirmative finding under Article 42A.054(c) or (d), Code of
1-58 Criminal Procedure; or

1-59 (C) an offense under Section 71.02 or 71.023,
1-60 Penal Code.

1-61 SECTION 4. Section 508.149(a), Government Code, is amended

2-1 to read as follows:

2-2 (a) An inmate may not be released to mandatory supervision
2-3 if the inmate is serving a sentence for or has been previously
2-4 convicted of:

2-5 (1) an offense for which the judgment contains an
2-6 affirmative finding under Article 42A.054(c) or (d), Code of
2-7 Criminal Procedure;

2-8 (2) a first degree felony or a second degree felony
2-9 under Section 19.02, Penal Code;

2-10 (3) a capital felony under Section 19.03, Penal Code;

2-11 (4) a first degree felony or a second degree felony
2-12 under Section 20.04, Penal Code;

2-13 (5) an offense under Section 21.11, Penal Code;

2-14 (6) a felony under Section 22.011, Penal Code;

2-15 (7) a first degree felony or a second degree felony
2-16 under Section 22.02, Penal Code;

2-17 (8) a first degree felony under Section 22.021, Penal
2-18 Code;

2-19 (9) a first degree felony under Section 22.04, Penal
2-20 Code;

2-21 (10) a first degree felony under Section 28.02, Penal
2-22 Code;

2-23 (11) a second degree felony under Section 29.02, Penal
2-24 Code;

2-25 (12) a first degree felony under Section 29.03, Penal
2-26 Code;

2-27 (13) a first degree felony under Section 30.02, Penal
2-28 Code;

2-29 (14) a felony for which the punishment is increased
2-30 under Section 481.134 or 481.140, Health and Safety Code;

2-31 (15) an offense under Section 43.25, Penal Code;

2-32 (16) an offense under Section 21.02, Penal Code;

2-33 (17) a first degree felony under Section 15.03, Penal
2-34 Code;

2-35 (18) an offense under Section 43.05, Penal Code;

2-36 (19) an offense under Section 20A.02, Penal Code;

2-37 (20) an offense under Section 20A.03, Penal Code;

2-38 (21) a first degree felony under Section 71.02 or
2-39 71.023, Penal Code;

2-40 (22) an offense under Section 481.1123, Health and
2-41 Safety Code, punished under Subsection (d), (e), or (f) of that
2-42 section;

2-43 (23) a second degree felony under Section 22.01, Penal
2-44 Code; ~~or~~

2-45 (24) an offense under Section 22.01, Penal Code,
2-46 punished under Subsection (b)(2), (7), or (8) of that section; or

2-47 (25) an offense under Section 15.01, Penal Code,
2-48 punished under Subsection (e) of that section.

2-49 SECTION 5. The change in law made by this Act applies only
2-50 to an offense committed on or after the effective date of this Act.
2-51 An offense committed before the effective date of this Act is
2-52 governed by the law in effect on the date the offense was committed,
2-53 and the former law is continued in effect for that purpose. For
2-54 purposes of this section, an offense was committed before the
2-55 effective date of this Act if any element of the offense was
2-56 committed before that date.

2-57 SECTION 6. This Act takes effect September 1, 2025.

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